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Jack P. Broadbent
EXECUTIVE OFFICER/APCO

May 7, 2007

Ms. Catherine Witherspoon
California Air Resources Board
Headquarters Building
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812

Dear Ms. Witherspoon:

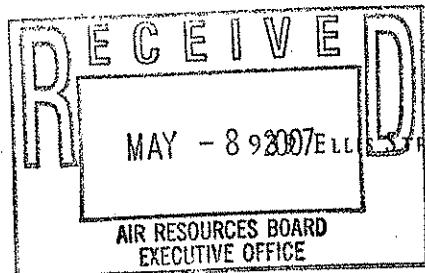
Bay Area Air Quality Management District (District) staff appreciates the opportunity to review and comment on ARB's Proposed Early Actions to Mitigate Climate Change In California. While the District supports the three categories of measures recommended for early actions, we believe the report should reflect local air district rules and programs related to these sources. In addition, the District believes that ARB could go further in one of the three categories, specifically: the Restrictions on High GWP Refrigerants; and the District has concerns on how ARB would implement the Landfill Methane Capture measure. The District also has identified some measures that are classified in "Group 2" that should be added to the Discrete Early Action Measures listed in Group 1, and scheduled for rule adoption by January 1, 2010.

Group 1 – Discrete Early Action Measures

The District has a long history of regulating emissions from a wide range of industrial and commercial facilities. We urge ARB to carefully consider local regulations as you develop and implement early action measures.

The District encourages ARB staff to review District Regulation 12, Rule 7: Motor Vehicle Air Conditioner Refrigerant, adopted in 1992. The rule prohibits sale of refrigerant in containers of any size to non-certified technicians, requires a leak check of any motor vehicle air conditioning before servicing, and prohibits charging a leaking air conditioner with refrigerant. ARB could apply the same rationale as outlined in Regulation 12, Rule 7 to stationary air conditioning systems as a discrete early action measure (DEAM) and achieve additional greenhouse gas emission reductions.

ARB has identified installation of gas control systems on uncontrolled landfills as a discrete early action measure. The ARB report mentions that local districts impose federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants on



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municipal solid waste landfills, but doesn't discuss local district rules that may go beyond federal requirements. For example, the Bay Area Air District Regulation 8, Rule 34 requires the installation of collection and control systems at landfills upon reaching 1 million tons of decomposable waste and continuing until the site has stopped accepting new waste for at least 30 years. The 1 million tons threshold was adopted in 1984 and is consistent with ARB's model rule for landfills that was developed a number of years ago.

ARB states that there are 41 uncontrolled landfills within the State, but does not list these sites or characterize the landfills in any way. It is unclear whether ARB proposes to focus on landfills in the 1 million to 2.75 million ton range that are located primarily in air districts that have attained criteria pollutant standards and thus were never required to implement ARB's recommended landfill gas control measure. If this is not the case, and ARB is targeting smaller landfills (less than 1 million tons in place) throughout the State for installation of traditional collection and control systems, the District is concerned about the cost effectiveness of very small landfills installing this equipment and that the strategy may not be feasible for implementation at older landfills. Methods aimed at reducing fugitive methane emissions, such as adding a compost type cover, might be more cost effective.

Increasing energy recovery at landfills, although not proposed as a discrete early action measure, is a laudable goal. However, our experience shows that there are tradeoffs to be considered. Waste-derived fueled internal combustion engines and turbines cannot operate at NOx emission levels as low as those fired on other fuels. Also, although energy is recovered, the inefficiencies in landfill-based combustion processes may not lead to as large a net reduction in greenhouse gases as would be expected from the simple portrayal of energy recovery versus flaring. The ARB report notes that these issues need further study.

Group 2 – Additional GHG Reduction Measures

While these measures are slated for rulemaking in the 2007-2009 timeframe, ARB's Early Action document provides no assurance that such rulemaking will occur. The District recommends that ARB include the following measures in Group 1 – Discrete Early Action Measures because they meet the screening criteria set forth by ARB and to ensure their timely implementation.

- **Measure 2-6. Guidance/protocols for local governments to facilitate GHG reductions.** ICLEI, Local Governments for Sustainability (ICLEI), is an international organization that has developed a five-milestone structure that participating local governments work through to reduce their greenhouse gas emissions. These five steps include: (1) establish a baseline emission inventory; (2) set an emission reduction target; (3)

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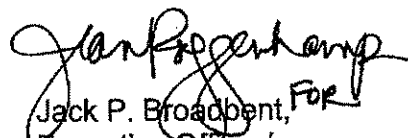
develop a local emission reduction plan; (4) implement the local emission reduction plan; and (5) measure the results.

Numerous local jurisdictions in the Bay Area and elsewhere in California have used ICLEI's guidelines and protocols to develop municipal and community wide emission inventories and GHG emission reduction plans. It is our understanding that ICLEI and the California Climate Action Registry have been in discussions to collaboratively develop a statewide emission inventory and reporting protocol. ARB should include Measure 2-6 in the list of DEAMs due to the availability of this existing protocol and its implementation by numerous local governments. Local greenhouse gas emission reduction plans and programs will be critical in achieving the State's short and long term GHG targets.

- Measure 2-9. Light-covered paving, cool roofs and shade trees.
The existing studies on measures of this type as well as cases that have been implemented demonstrate that the measure is cost effective and technically available now, making timely implementation feasible.
- Measure 2-23. Add AC leak tightness test and repair to Smog Check.
The comprehensive network of smog check facilities that exist today provide the necessary backbone infrastructure to implement an automotive air conditioning leak test provision. Two and a half years would be sufficient time for these facilities to train technicians and purchase test equipment.

Please contact David Vintze of our staff at 415-749-5179, or at DVintze@baaqmd.gov, if you have any questions regarding this letter.

Sincerely,



Jack P. Broadbent, For

Executive Officer/
Air Pollution Control Officer

JPB:DV